

Remarks

The applicant appreciates the examiner's consideration of the application, and requests reconsideration and allowance of the claims in view of the preceding amendments and the following comments.

The examiner concluded that the claims were not patentable, primarily over Rollman. Rollman, however, does not disclose or suggest the claims. Rollman discloses a lid for a pill bottle, in which the lid has molded directly into it indications that are accessible by a sight-impaired person, such as molded or embossed numbers, letters or braille. The skirt may have removable break-off tabs 11 (see col. 3 lines 53 and col. 4).

The Rollman lid clearly does not have any indicia that are indirectly applied to the lid, as the indicia are all formed as part of the lid. Further, break-off tabs are not indicia, rather they are simply small portions of the lid that are designed to be broken off; the fact that they are meant to convey information to the user does not make these tabs indicia.

In contrast, claim 1 is a method of providing information through placement of one or more pre-printed stickers on the lid of a beverage container. The references clearly do not disclose or suggest all of the features of claim 1. In fact, Rollman teaches away from the invention. As stated in column 1 lines 11-20, Rollman is clearly and directly on its face distinguished from the use of a printed label that is attached to a medicine container. As Rollman teaches away from the printed sticker element of claim 1, it is improper as a matter of law to use Rollman in any manner to reject claim 1, which positively recites a printed sticker.

As to the printed matter per se, there is in fact a functional relationship between the printed sticker and the lid. Accordingly, the printed matter must be considered a substantive part of the claim. To begin, the claim is for a method, not an article of commerce. The printed

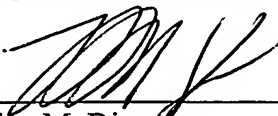
information is provided on one or more stickers. The printed information comprises at least one of information, advertisements and coupons. The result of the method is that the lid is transformed from solely a drinking implement, into a message-delivery or marketing vehicle. This symbiotic relationship between the lid and the printed matter is the type of functional interrelationship contemplated under the *In re Gulack* case, 217 USPQ 401, pp. 403-405. Accordingly, it is improper as a matter of law to ignore the differences between the claims herein and the cited references.

It is also improper under the law to read a reference in a manner that would change its operating principle. As Rollman specifically cannot use a sticker, as a matter of law, Rollman cannot be used to reject the claims. *See, e.g., In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

As the references do not teach or suggest the combination of claim 1, nor the other claims, all of the claims are allowable. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,



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